

OPEN AND PUBLIC MEETINGS ACT -**MEETING RECORD**

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Open and Public Meetings Act by amending provisions related to minutes and a recording of an open meeting.

Highlighted Provisions:

This bill:

- ▶ clarifies that the minutes of a meeting must include information requested to be added by a member only if that information was part of the proceedings of the meeting;
- ▶ provides specific circumstances as to when the written minutes of an open meeting become a public record;
- ▶ requires a public body to establish and implement procedures for approval of written minutes;
- ▶ requires that a recording of an open meeting must be available to the public for listening within three business days after the meeting;
- ▶ repeals a requirement that a recording must be converted to written minutes within a reasonable time upon request;
- ▶ provides that a meeting recording is not required for site visits or traveling tour or for certain small local districts; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32 **52-4-203**, as last amended by Laws of Utah 2008, Chapters 360 and 382

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **52-4-203** is amended to read:

36 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
37 **meetings.**

38 (1) Except as provided under Subsection [(8)] (7), written minutes and a recording
39 shall be kept of all open meetings.

40 (2) Written minutes of an open meeting shall include:

41 (a) the date, time, and place of the meeting;

42 (b) the names of members present and absent;

43 (c) the substance of all matters proposed, discussed, or decided by the public body
44 which may include a summary of comments made by members of the public body;

45 (d) a record, by individual member, of each vote taken by the public body;

46 (e) the name of each person who is not a member of the public body, and upon
47 recognition by the presiding member of the public body, provided testimony or comments to
48 the public body;

49 (f) the substance, in brief, of the testimony or comments provided by the public under
50 Subsection (2)(e); and

51 (g) any other information that is a record of the proceedings of the meeting that any
52 member requests be entered in the minutes or recording.

53 (3) A recording of an open meeting shall:

54 (a) be a complete and unedited record of all open portions of the meeting from the
55 commencement of the meeting through adjournment of the meeting; and

56 (b) be properly labeled or identified with the date, time, and place of the meeting.

57 (4) [(a)] The written minutes and [recordings] recording of an open meeting are public
58 records ~~[and shall be available within a reasonable time after the meeting:]~~ under Title 63G,
59 Chapter 2, Government Records Access and Management Act as follows:

60 Option a.

61 (a) Written minutes that have been prepared in a form awaiting only formal approval
62 by the public body are a public record.

63 or

64 **Option b.**

65 (a) Written minutes are a public record when created regardless of any editing process
66 that may follow the creation of the written minutes.

67 or

68 **Option c.**

69 (a) Written minutes become a public record at the beginning of the meeting in which
70 they are:

71 (i) placed on the agenda for consideration; or

72 (ii) considered for approval by the public body.

73 **continue**

74 (b) Written minutes shall be available to the public within a reasonable time after the
75 end of the meeting.

76 (c) A public body shall establish and implement procedures for the public body's
77 approval of the written minutes of each meeting.

78 (d) Written minutes are the official record of action taken at the meeting.

79 (e) A recording of an open meeting shall be available to the public for listening within
80 three business days after the end of the meeting.

81 ~~[(b) An open meeting record kept only by a recording must be converted to written~~
82 ~~minutes within a reasonable time upon request.]~~

83 (5) All or any part of an open meeting may be independently recorded by any person in
84 attendance if the recording does not interfere with the conduct of the meeting.

85 (6) ~~[Minutes or recordings]~~ The written minutes or recording of an open meeting that
86 are required to be retained permanently shall be maintained in or converted to a format that
87 meets long-term records storage requirements.

88 ~~[(7) Written minutes and recordings of open meetings are public records under Title~~
89 ~~63G, Chapter 2, Government Records Access and Management Act, but written minutes shall~~
90 ~~be the official record of action taken at the meeting.]~~

91 ~~[(8) Either written minutes or a recording shall be kept of:]~~

92 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

93 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken

94 by the public body; [~~and~~] or
95 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
96 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
97 Special Service District Act, if the district's annual budgeted expenditures for all funds,
98 excluding capital expenditures and debt service, are \$50,000 or less.